

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TALECRIS BIOTHERAPEUTICS, INC., and
BAYER HEALTHCARE LLC,

Plaintiffs,

v.

BAXTER INTERNATIONAL INC., and
BAXTER HEALTHCARE CORPORATION,

Defendants.

BAXTER HEALTHCARE CORPORATION

Counterclaimant,

v.

TALECRIS BIOTHERAPEUTICS, INC., and
BAYER HEALTHCARE LLC,

Counterclaim Defendants.

C.A. No. 05-349-GMS

Jury Trial Demanded

DECLARATION OF JACLYN M. MASON IN SUPPORT OF PLAINTIFFS'
MOTION TO STRIKE PORTIONS OF DEFENDANTS' REPLY BRIEF, OR IN
THE ALTERNATIVE, FOR LEAVE TO FILE A SURREPLY

Bradford J. Badke, Esquire
Gabrielle Ciuffreda, Esquire
ROPES & GRAY LLP
1251 Avenue of the Americas
New York, NY 10020-1105

*Of Counsel for Counterclaim Defendant
Bayer Healthcare LLC*

Jeffrey B. Bove (#998)
Mary W. Bourke (#2356)
Mark E. Freeman (#4257)
Jaclyn M. Mason (#4737)
Christopher E. Jeffers (*pro hac vice*)
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899-2207
(302) 658-9141
*Attorneys for Plaintiffs and
Counterclaim Defendants*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**TALECRIS BIOTHERAPEUTICS, INC., and
BAYER HEALTHCARE LLC,**

Plaintiffs,

V.

C.A. No. 05-349-GMS

**BAXTER INTERNATIONAL INC., and
BAXTER HEALTHCARE CORPORATION,**

Jury Trial Demanded

Defendants.

BAXTER HEALTHCARE CORPORATION

Counterclaimant,

V.

**TALECRIS BIOTHERAPEUTICS, INC., and
BAYER HEALTHCARE LLC,**

Counterclaim Defendants.

**DECLARATION OF JACLYN M. MASON IN SUPPORT OF PLAINTIFFS'
MOTION TO STRIKE PORTIONS OF DEFENDANTS' REPLY BRIEF, OR IN
THE ALTERNATIVE, FOR LEAVE TO FILE A SURREPLY**

I, Jaclyn M. Mason, declare:

1. I am an associate with the law firm of Connolly Bove Lodge and Hutz LLP and one of the counsel of record for Plaintiffs and Counterclaim Defendants Talecris Biotherapeutics, Inc. and Bayer Healthcare LLC (collectively, "Plaintiffs") in the above-captioned case. I make this declaration of my personal knowledge.
2. A true and correct copy of relevant portions of the transcript from the August 17, 2006 discovery teleconference in this case is attached hereto as Exhibit 1.

3. A true and correct copy of Priya Sreenivasan's August 18, 2006 letter to me is attached hereto as Exhibit 2.

4. A true and correct copy of my August 30, 2006 letter to Ms. Sreenivasan is attached hereto as Exhibit 3.


5. A true and correct copy of Ms. Sreenivasan's August 31, 2006 letter to me is attached hereto as Exhibit 4.

6. A true and correct copy of the Notice of Electronic Filing entering and ordering the Joint Motion for Protective Order (Docket Item ["D.I."] 40), together with a true and correct copy of D.I. 40, are attached hereto as Exhibit 5.

7. A true and correct copy of the relevant portions of the December 1, 2006 amendments to the Federal Rules of Civil Procedure, and comments thereto, obtained from http://www.uscourts.gov/rules/EDiscovery_w_Notes.pdf, are attached hereto as Exhibit 6.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 4th day of December, 2006, in Wilmington, Delaware.


Jadlyn M. Mason

CERTIFICATE OF SERVICE

I, Jeffrey B. Bove, hereby certify that on December 4, 2006, the within document was filed with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

BY HAND DELIVERY AND E-MAIL

Philip A. Rovner, Esquire
Potter Anderson & Corroon LLP
Hercules Plaza
P.O. Box 951
Wilmington, DE 19899
provner@potteranderson.com

BY FEDEX AND E-MAIL

Susan M. Spaeth, Esquire
Townsend and Townsend and Crew LLP
379 Lytton Avenue
Palo Alto, CA 94301
smspaeth@townsend.com

/s/ Jeffrey B. Bove

Jeffrey B. Bove (#998)
Connolly Bove Lodge and Hutz LLP
1007 N. Orange Street
Wilmington, DE 19899
(302) 658-9141
jbove@cblh.com